

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:10-CV-167-RLV-DCK**

CHARLES E. KIMBROUGH,)
Plaintiff,)
v.) **ORDER**
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
Defendant.)

)

THIS MATTER IS BEFORE THE COURT on “Plaintiff’s Petition For Attorney Fees Under § 406(b) Of The Social Security Act” (Document No. 28) filed November 15, 2012. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion, and noting consent of Defendant’s counsel, the undersigned will grant the motion.

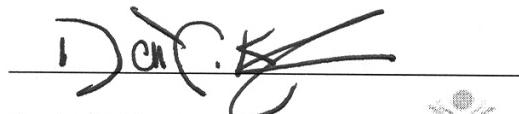
Pursuant to Comm'r of Soc. Sec. v. Ratliff, 560 U.S. ----, 130 S.Ct. 2521 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. Defendant will determine within 30 days of this order whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff’s counsel. If the United States Department of the Treasury reports to the Commissioner that Plaintiff does not owe a federal debt, the government will exercise its discretion and honor the assignment of EAJA fees, and pay the awarded fees directly to Plaintiff’s counsel.

IT IS, THEREFORE, ORDERED that “Plaintiff’s Petition For Attorney Fees Under § 406(b) Of The Social Security Act” (Document No. 28) is **GRANTED**.

IT IS FURTHER ORDERED that the Commissioner of Social Security pay to Plaintiff’s

counsel the sum of \$4,323.00 in full satisfaction of any and all claims arising under EAJA, 28 U.S.C. § 2412(d).

Signed: November 16, 2012



David C. Keesler
United States Magistrate Judge 